|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| <http://www.1849.org/> Over 150,000 Native Americans lived sustainably in California prior to the gold rush. They had existed for many centuries, supporting themselves mostly by hunting, gathering and fishing. This life changed drastically in 1848 when James Marshall discovered the yellow metal in the American River at Coloma, in Northern California.  By 1870, there was an estimated native population of only 31,000 Californian Indians left. Over 60 percent of these indigenous people died from disease introduced by hundreds of thousands of so-called 49ers. However, local tribes were also systematically chased off their lands, marched to missions and reservations, enslaved and brutally massacred.  In 1851, the California State government paid $1 million for scalping missions. You could still get $5 for a severed Indian head in Shasta in 1855, and twenty five cents for a scalp in Honey Lake in 1863. Over 4,000 Native American children were sold - prices ranged from $60 for a boy to $200 for a girl.   |  |  | | --- | --- | |  | . |   In the early days, before the massive influx of settlers, white male miners wanted cheap labor to help with the back-breaking job of panning for gold and women to satisfy their lust so they first hired then raided local villages to supply their demands. The influx of white settlers soon put an end to the use of native labor in the mines.  But the capture, trade, exploitation, rape and often murder of Native children continued. This was not exclusive to the gold miners, but it grew out of the Spanish and Mexican mission system and the views of the new American settlers - both miners and ranchers - who viewed the diggers as less than human.  Trafficking in Native American labor - especially young women and Children - was carried on as a legal business enterprise well after slavery was abolished throughout the United States. This practice, according to historians, was unknown in any other part of the United States except briefly in the New England and the South.  An estimated 4,000 children were bought and sold. Newspaper accounts of the time noted that while young boys sold for 60 dollars or so, young women could sell for as much as 200 dollars.  The initial basis of this slavery was an April 1850 law, drafted by John Bidwell and passed before the state was even fully incorporated as part of the United States, that allowed settlers to continue to use Native peoples as bonded workers, a practice begun under the Spanish occupation. The 1850 law was strengthened in 1860 but eventually repealed in 1863 following a public outcry.   |  | | --- | | Act for the government and protection of Indians  April 22, 1850 | | Article Three: *"Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian minor and wishing to keep it, such a person shall go before a Justice of the Peace in his Township, with the parents or friends of the child and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on the record, in a book kept for that purpose, the sex and probable age of the child and shall give to such a person a certificate, authorizing him or her to have the care, custody, control and earnings of such a minor, until he or she obtains the age of majority. Every male Indian shall be deemed to have attained his majority at age eighteen, and the female at fifteen years."* | | Article Fourteen: *"When an Indian is convicted of an offense before a Justice of the Peace, punishable by fine, any white may, by consent of the Justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him ..."* |     "I have undoubted evidence that hundreds of Indians have been stolen and carried into the settlements and sold; in some instances entire tribes were taken in en masse," wrote Thomas J Henley, superintendent of Indian affairs in California in 1856.  "The most disgusting phase of this species of slavery is the concubinage of creatures calling themselves white men with squaws throughout various portions of the state. The details of this 'apprenticeship' system are unfit to commit to paper," wrote the editors of the Sacramento Union in 1860.  Two years later a correspondent to the same newspaper submitted the following comment: "You may hear them talk of the operation of cutting to pieces an Indian squaw in their indiscriminate raids for babies as 'like slicing old cheese' ... The baby hunters sneak up to a Rancheria, kill the bucks, pick out the best looking squaws, ravish them and make off with their young ones."  Federal investigators found evidence of wide slavery in 1866 well after the practice had been made illegal under the 13th amendment to the United States constitution.  Only sheer racism and desire for domination through brute force can account for the fact that Californians could condone the Native plight for some two decades while paying lip service to the federal policies that banned slavery. As we shall see in the next section, those Native peoples who were fortunate to escape the widespread exploitation, ended up in reservations that hardly offered a better future.    <http://www.sfmuseum.org/hist6/chinhate.html>  THE CHINESE  by Henry Kittredge Norton  Like every other nation in the world, the Chinese Empire was represented in the great rush for California which took place during the gold excitement. At the beginning of the year 1849 there were in the state only fifty-four Chinamen. At the news of the gold discovery a steady immigration commenced which continued until 1876, at which time the Chinese in the United States numbered 151,000 of whom 116,000 were in the state of California. This increase in their numbers, rapid even in comparison with the general increase in population, was largely due to the fact that previous to the year 1869 China was nearer to the shores of California than was the eastern portion of the United States. Another circumstance which contributed to the heavy influx of Chinese was the fact that news of the gold discovery found southeastern China in poverty and ruin caused by the Taiping rebellion. Masters of vessels made the most of this coincidence of favorable circumstances. They distributed in all the Chinese ports, placards, maps and pamphlets with highly colored accounts of the golden hills of California. The fever spread among the yellow men as it did among others, and the ship-men reaped a harvest from passage money.  Probably the most conspicuous characteristic of the Chinese is their passion for work. The Chinaman seemingly must work. If he cannot secure work at a high wage he will take it at a low wage, but he is a good bargainer for his labor and only needs the opportunity to ask for more pay. This is true of the whole nation, from the lowest to the highest. They lack inventiveness and initiative but have an enormous capacity for imitation. With proper instruction their industrial adaptability is very great. They learn what they are shown with almost incredible facility, and soon become adept.  If the social conditions prevailing in California in the days of ’49 are recalled, it is not difficult to realize how welcome were the Chinese who first came to the country. Here were men who would do the drudgery of life at a reasonable wage when every other man had but one idea—to work at the mines for gold. Here were cooks, laundrymen, and servants ready and willing. Just what early California civilization most wanted these men could and would supply.  The result was that the Chinaman was welcomed; he was considered quite indispensable. He was in demand as a laborer, as a carpenter, as a cook; the restaurants which he established were well patronized; his agricultural endeavors in draining and tilling the rich tule lands were praised. Governor McDougal referred to him as “one of the most worthy of our newly adopted citizens.” In public functions he was given a place of honor, for the Californians of those days appreciated the touch of color which he gave to the life of the country. The Chinese took a prominent part in the parades in celebration of the admission of the state to the Union. The *Alta California,* a San Francisco newspaper, went so far as to say, “The China Boys will yet vote at the same polls, study at the same schools, and bow at the same altar as our countrymen.” Their cleanliness, unobtrusiveness and industry were everywhere praised.  The Chinese were surely in a land of milk and honey. They had left a land of war and starvation where work could not be had and food must be begged and here they found themselves in the midst of work and plenty. They were everywhere welcomed and their wages were such that they could save a substantial part to send back to the families they had left at home in China; or, if they did not wish to labor for masters, they could go to the mines. Here they could take an old claim which had been abandoned by the white miner and dig from it gold dust which to them represented wealth untold. They were careful not to antagonise these whites by prospecting ahead of them, and in return they received the same treatment in the mining districts that they had met with in San Francisco.  The Chinaman was welcomed as long as the surface gold was plentiful enough to make rich all who came. But that happy situation was not long to continue. Thousands of Americans came flocking in to the mines. Rich surface claims soon became exhausted. These newcomers did not find it so easy as their predecessors had done to amass large fortunes in a few days. California did not fulfil the promise of the golden tales that had been told of her. These gold-seekers were disappointed. In the bitterness of their disappointment they turned upon the men of other races who were working side by side with them and accused them of stealing their wealth. They boldly asserted that California’s gold belonged to them. The cry of “California for the Americans” was raised and taken up on all sides.  Within a short time the Frenchman, the Mexican and the Chileño had been driven out and the full force of this anti-foreign persecution fell upon the unfortunate Chinaman. From the beginning, though well received, the Chinese had been a race apart. Their peculiar dress and pigtail marked them off from the rest of the population. Their camps at the mines were always apart from the main camps of white miners. This made it the easier to turn upon them this hatred of outsiders. With the great inrush of gold-seekers the abandoned claims which the Chinese had been working, again became desirable to the whites and the Chinese were driven from them with small concern. Where might made right the peaceable Chinaman had little chance.  The state legislature was wholly in sympathy with the anti-foreign movement, and as early as 1850 passed the Foreign Miners’ License law. This imposed a tax of twenty dollars a month on all foreign miners. Instead of bringing into the state treasury the revenue promised by its framers, this law had the effect of depopulating some camps and of seriously injuring all of them. San Francisco became overrun with penniless foreigners and their care became a serious problem. The law was conceded to be a failure and was repealed the following year.  By the time this was done, however, the Chinese had become the most conspicuous body of foreigners in the country and therefore had to bear the brunt of the attacks upon the foreign element. Governor Bigler suddenly became inspired with the realization of the value of an attack upon them as a political asset. He sent a special message to the legislature in which he charged them with being contract “coolie” laborers, avaricious, ignorant of moral obligations, incapable of being assimilated, and dangerous to the public welfare. The result was a renewal of the foreign miners’ tax, but in a milder form than its predecessor.  This did not satisfy the miners, who were at that time the strongest body, in the community, and the next year the tax was again made prohibitive.  But it was not only the miners who hated the Chinese. The yield of the placers began to decline in 1853-4, and the discovery of gold in Australia brought on a financial panic in the latter year. Prices, rents and values fell rapidly and many business houses failed. There were strikes for higher wages among laborers and mechanics though the prevalent rate for skilled labor was ten dollars per day and for unskilled three dollars and a half. Investors became alarmed and, withdrew their capital. Thousands of unsuccessful miners drifted back into San Francisco and began to look for work at their old time occupations. The labor market was glutted and an enormous number were out of work.  To these unemployed men the presence of thousands of Chinese, thrifty, industrious, cheap, and above all, un-American, was obviously the cause of their plight. The cry was raised that the large number of Chinese in the country tended to injure the interests of the working classes and to degrade labor. It was claimed that they, deprived white men of positions by taking lower wages and that they sent their savings back to China; that thus they were human leeches sucking the very life-blood of this country. Whoever came to their defense was immediately accused of having mercenary motives or of being half-witted.  The “coolie” fiction of Governor Bigler was seized upon. In the first half of the nineteenth century a pseudo-slave trade had sprung up in transporting Chinese laborers under contract to work at a certain wage for a certain period to Cuba, and parts of South America. Such laborers were ignorantly called “coolies” by those who were not familiar with the Chinese language. The word itself comes from two Chinese words, “koo” meaning to rent, and “lee” meaning muscle. The coolies are those who rent out their muscles, that is, unskilled laborers. In the four classes of China they rank with the third, being considered a higher class than the merchants but below the scholars and farmers. The word in no way signifies any sort of bondage. The “coolies” are perfectly free just as our own laborers are.  The Chinese who came to California were largely of this class and so described themselves on their arrival. It did not take long for the anti-Chinese agitators to define a “coolie” as a contract laborer and to describe how he was bound to a master in China to work a certain number of years at a small wage and how this terrible system was eating the very vitals out of American labor. This American labor about which there was so much concern was almost wholly composed of Irish and other European aliens who were no more American than the Chinese. But they had a vote in prospect. The Chinese did not.  While the success of the coolie fiction was largely due to the fact that there were so many who wanted to believe it, a number of circumstances combined to give it greater vitality. Most of the business transactions of the Chinese were done through their benevolent organizations which came to be locally known as the “Six Companies.” The Companies often contracted for large bodies of laborers and this fact led the unthinking to conclude that these laborers were under contract with the Six Companies to work for them as they should direct. This was not the true situation. These Companies simply acted as clearing-houses for all sorts of transactions among the Chinese, as they had found that they could handle things in a strange land more satisfactorily through such associations than they could individually.  Another thing which strengthened the coolie fiction was the manner in which the Chinese were employed on the construction work. of the Central Pacific Railroad. Because of the scarcity of labor the men in charge of this construction work had sent an agent to China to secure Chinese laborers. In order to get these men over to this country, it was necessary to advance their passage-money and other expenses. To cover this loan each Chinaman so employed signed a promissory note for $75. This note provided for monthly instalment payments running over a period of seven months and was endorsed by friends in China. Each laborer was guaranteed a wage of $35 a month. This financial arrangement was of course seized upon and made much of by the anti-Chinese agitators as the final proof of “coolieism.”  The belief that the Chinese were contract laborers was one of those unfortunate errors which sometimes became current in our civic life, and by frequent repetition receive almost universal acceptance. In the present instance this phantom of Chinese slavery became so thoroughly a part of the political life of the Pacific Coast that no attempt was made to reach the truth of the matter. Every man in public life was under so binding a necessity to accept the popular belief in regard to the Chinese and to truckle to it at every turn, that for one to seek the real truth of the matter was to end forthwith his political career.  In the years following 1854 this unthinking, prejudiced, anti-Chinese movement ran riot. Various schemes were proposed for ridding the country of the Chinese as if they were a pest. It was seriously suggested that they be all returned to China, but as this would have involved an expense of about seven millions of dollars and ten or a dozen ships for every vessel that was available, it was reluctantly laid aside. This scheme failing, it was asserted that they could at least be driven from the mines. But as this would have deprived the state of a large revenue from licenses and would have crowded the outcasts in still greater numbers to the cities and agricultural districts, this too was abandoned.  Various local authorities passed legislation intended to harass them. Most of the Chinese were in San Francisco, so the principal efforts were made in that city, The famous “pig-tail ordinance” required all convicted male prisoners to have their hair cut within one inch of their heads. This particular piece of idiocy was vetoed by the mayor but others almost as vicious were passed.  Many of these were declared unconstitutional by the courts, but even the courts were not at all times consistent friends of the Chinaman. The worst blow which they received was embodied in a decision given by the Chief Justice of the state Supreme Court. There was a statute on the books which prohibited “negroes and Indians” from testifying against a white man in the courts of the state. The court held, in a brilliantly logical opinion, that this included the Chinese for the reason that in the days of Columbus all of the countries washed by Chinese waters had been called “Indian.”  During the Civil War other issues overshadowed the Chinese question and the Orientals had a brief respite. But in 1868 the Burlingame treaty was entered into between the United States and China. It provided for reciprocal exemption from persecution on account of religious belief, the privilege of schools and colleges, and in fact it agreed that every Chinese citizen in the United States should have every privilege which was expected by the American citizen in China. Though naturalization was especially excepted, the provisions of this treaty aroused a storm of antagonism on the Pacific Coast. The labor agitators decried the treaty as a betrayal of the American workingman, and the whole Chinese question was up again in more violent form than ever before.  The panic of 1873 and its ill effects brought the matter sharply before the public and especially that portion of it that was out of work. The crisis was averted for the time, however, by the opening of the Consolidated Virginia mines in Nevada and the local wave of prosperity which followed. But in 1877 the bottom fell out of the whole western business world and brought back the old agitation with tenfold violence. It was made worse by the always apparent fact that the Chinese were the last to join the unemployed. In fact they seldom joined at all. Gardening, farming, laundering, cooking and housework were almost monopolized by them. The railroads employed thousands of them and they were engaged to some extent in manufacturing.  This was more than could be borne by the much-oppressed laboring man, who claimed that the Chinese, were robbing him of his bread and, which was worse, the only one who benefitted by their labor was that other arch-enemy of the laboring man, the capitalist. Something must be done. The courts had annulled the efforts of their municipal authorities and legislatures when these had tried to help them; Congress had thrown them but a stone; the treaty-making power had betrayed them; they must take matters into their own hands. And this they proceeded to do.  Their method of procedure was in most cases to sack and burn the Chinese laundries and other commercial establishments operated by the Orientals. It was left for Los Angeles to furnish the most terrible example of all. Here nineteen Chinamen were hanged and shot in one evening. The massacre was accompanied by the theft of over $40,000 worth of their goods.  It was in the south in fact that the violent opposition to the Chinese had first found strong supporters. Here were many who were accustomed to assert the “superiority” of their race and to attach the idea of servitude to all inferior races. To work at all was well-nigh intolerable, but to work beside a “pig-tail” upon whose wearer even the wild Indian looked down, was to abasing to be borne. From these southerners this feeling rapidly spread among the immigrants from the poorer countries of Europe, who at home were in a position almost of servitude. Arrived in this country and endowed with the rights of citizenship, for which they are utterly unfitted, they immediately seek to raise themselves higher in their own estimation by trampling underfoot the rights of others.  But, beside these prejudices due to race-feeling and ignorance, there were real causes of discontent against the Chinese. They were not given to sexual immorality themselves but some of them engaged in the business of importing women whom they would prostitute to others for gain. Gambling was an all-prevalent vice. These two features of the Chinese situation received far more emphasis even among thoughtful people than should have been given to them. This came about because of the practice of “seeing Chinatown,” which like “seeing the world” too often meant seeing the worst possible side of it. The proportion of prostitutes among the Chinese was little if any higher than among the other races in California at the time but much publicity spread the idea of great numbers. Gambling, too, while very generally indulged in by the Chinese, was never among themselves the vice which was made of it by the Americans who frequented the Chinese houses. The Chinaman gambled for small stakes as an amusement and never to his own destruction. But while gambling and immorality have been over-emphasized, one charge remains against them in all its original strength. The Chinese quarter was very unclean. Their cleanly persons and spotless linen were in strange contrast to their filthy homes, overrun as they were with rats and other vermin.  Evil as were these characteristics of the Chinese, they were never a sufficient excuse for the outrages that were perpetrated upon them. These bore no relation to the real grievances, but were in a large measure the unreasoning acts of irresponsible men who were for the most part aliens themselves. Calmly handled, the Chinese question never would have caused a disturbance in California. In connection with a violent race hatred, it kept the state in turmoil for the first thirty years of its existence. Even today it occasionally recurs to furnish capital for politicians who are unable to find any other issue. Of late years, however, it has been very largely superseded in this role by [the Japanese question.](http://www.sfmuseum.net/hist1/index0.1.html" \l "japanese)  <http://www.sfmuseum.net/hist6/blackrights.html>  Negro Rights Activities in Gold Rush California  By RUDOLPH M. LAPP  Long before the Civil War free Negroes were active in movements to improve the position of their people in American society. Recent events of this kind are actually a continuum of earlier, lesser known efforts. The nineteenth century free Negro also had his detractors and his supporters. His struggles were marked by some successes and many defeats. Little has been written of the leadership he developed, the campaigns he conducted, and the frustrations he endured. While the greatest part of this story is set in the eastern states of the North, the [Gold Rush brought a chapter of it to California](http://www.sfmuseum.net/hist5/caladmit.html).  The Negro population of Gold Rush California was not large. They comprised roughly 1 percent of the population. The significance of their story is not in their number but rather in the moral force that the Negroes were able to exert and the courage they displayed. Above all, the account of Negro organization and their struggles against often insurmountable odds testifies to the inaccuracy of the belief that the American Negro did little on his own behalf.  In the spring of 1850 the *Daily Alta* of San Francisco stated that in their opinion most forty-niner Negroes had become free. The 1850 census supported this view, of course, since slavery was declared illegal in the 1849 state constitution and there was no provision for enumerating slaves on the census forms. The census merely states there were 962 Negroes in the state at that time.  Future research may provide a more precise statistic on how many of the 962 California Negroes were slaves or free men.  The fact, however, of a significant number of Negroes in a slave condition in a state that had excluded the "peculiar" institution provided the setting for the first of what can be called Negro rights struggles in California. Had every Negro who came to California with the promise of freedom been granted that freedom and had every slave who came to the state without freedom commitments not had any freedom thoughts of his own, there would not be any story. But masters did try to break their promises, and slaves did decide to strike for freedom in Gold Rush California.  The fugitive slave fights in the early months and years did not seem to be associated with carefully laid plans by well organized groups. Rather they were a blend of personal courage, aid from unknown free Negroes, and legal help from local sympathetic lawyers and judges. Perhaps the most important catalytic agent in every case was the free Negro who told his black brother that in California he had a legal chance for freedom. One of the earliest cases occurred in San Jose in February, 1850. It came to the attention of the authorities as a street brawl in which a white man was beating a Negro with a club. Cries of shame were reported from the crowd, and the marshal took both parties into custody. The court proceedings revealed that the white man claimed the Negro as his slave and complained that his contact with the free Negroes of San Jose had spoiled him to the point where he refused to be obedient property and leave the city with his master. The alcalde ruled in favor of the master. With the assistance of the local authorities, the Negro was spirited away in time to avoid a writ that several friendly lawyers brought too late to the alcalde.  Cornelius Cole, the venerable early Californian, thought in later days that he and Judge Crocker were the only members of the legal profession in Sacramento who came to the defense of the Negro. His memory was not too good in this matter because there were others that he was associated with in court cases. In Sacramento only a few months after the unhappy San Jose case, another street brawl involving a Negro named Charles resulted in another fugitive slave case. In this instance the judge set the Negro free. He pointed out to the presumed master that the laws passed before as well as after the American conquest of California made Charles a free man. One of the attorneys for the Negro was Joseph Winans who was to be involved again in fugitive slave matters and to become one of the outstanding members of the legal fraternity in the state. He has been described as the "first scholar of the Bar!"  The next important case occurred in a court in San Francisco in March, 1851. A Missourian had brought to the mines a "yellow boy," as the newspapers described him, named Frank who decided in the atmosphere of the Sierras to ran away. His master tracked him down and had him confined preparatory to returning to Missouri. In San Francisco legal aid was provided by attorney S. W Holladay, and a writ was presented to Judge Morrison to set him free. Judge Morrison, after a few days' deliberation, set Frank free claiming that California laws supported his decision and that the National Fugitive Slave Law was not involved. His reasoning was that Frank did not come to California as a fugitive. His running away activities began within the boundaries of the state which were not offenses in California law. The judge must have had a sardonic sense of humor, for he continued in his decision to pour a bit of salt on the wounded feelings of the pro-slavery listeners. It seems that in the course of interrogation Frank had stated that he had been a slave in Missouri. The judge calmly rejected this bit of testimony because the California state legislature had only the year before made Negro testimony illegal in civil and cases! This case was notable in another way. It seems that the Negro community of San Francisco was noticeably involved in its outcome. This may have been the first stimulus to active organization.  It soon became apparent that slave owners who were tarrying too long in California were in danger of losing their property. If the word got around, Judge Morrison's court could become quite busy.  In the first month of 1852 a champion for the slave owner emerged. He was Assemblyman Henry A. Crabb, a Southern aristocrat, who gained a tragic fame a few years later by losing his life in a Sonoran filibustering adventure. Crabb introduced a fugitive slave bill in January, 1852, that gave white men arbitrary powers in returning Negroes whom they claimed as slaves in Southern states. Assemblyman Ellis of San Francisco had the suspicious feeling that a portion of this bill was so written in order to allow slavery to establish itself in California through the back door. Crabb's bill did not sharply define any limits on how long a slave owner might remain in California. Ellis' amending proposals were rejected. When the unchanged bill reached the senate, it faced more formidable opposition. Here David Broderick voiced his apprehensions. He feared that the bill did nothing to protect the Negro who came to California with the promise of freedom from a callously capricious former owner or from some white man with the talents of a Negro kidnapper. Through much of April, 1852, the senate debated the bill with Broderick gaining strong but not quite sufficient support. The bill was passed fourteen to nine with Broderick in the minority.  It was not too long before Broderick's fears were realized. In April of the following year the first publicly noted attempt to return a free Negro girl to slavery was reported in the *Daily Alta.* The attempt took place in Auburn, California, but fortunately a local lawyer was the custodian of the young woman's freedom papers and could produce them in court. The claimant was the son of the man who freed the girl, and he professed not to know of his father's action. In Gold Springs, Tuolumne County, a Negro named Stephen Hill, who had been free long enough to accumulate property to the value of $4,000, was imprisoned by men claiming to be agents of his former owner. They managed to destroy his freedom papers too. He was taken to Stockton where a daring escape was managed. Some years later a letter from a white man to the *Daily Alta* suggested that this escape involved a great deal of Caucasian collusion.  It was inevitable that the constitutionality of Crabb's Fugitive Slave Act would be tested. The opportunity arose in what is called the Perkins Case. A Mississippian named Perkins claimed through agents that three Negroes working in Placer County, two of them bearing the name Perkins, were his fugitive property. A justice of the peace and then a county judge gave the three Negroes to Perkins' agent. In the meantime support was rolling up for the trio. Enlisted in their cause were lawyers Joseph Winans, Joseph Zabriskie, and Cornelius Cole. This battery of legal talent managed to temporarily rescue the three Negroes from a ship that was about to leave San Francisco. The case was brought directly to the state supreme court. The pro-slave court upheld the entire California Fugitive Slave law. It even upheld that section of the law that corroded the genuinely free Negro's right to maintain his freedom. In 1855 that feature of the law was allowed to lapse, and the California Negro was in a slightly less uncertain status. The odious section of the state's fugitive slave law may have been allowed to lapse because it might have been believed that by 1855 the problem no longer existed. But its lapse may also be due to changes in public sentiment. The Methodist minister M.C. Briggs of San Francisco noted in a letter, "There has been a manifestly growing change in public sentiment in this state, in respect of slavery!" Just before the Frémont presidential campaign, a Missourian wrote to his brother from Columbia saying, "The Blue Bellied Yankees are every day getting a stronger hold." In 1857 even the San Francisco YMCA reflected sympathy for the Negro. They criticized the exclusion of Negroes practiced by certain eastern YMCA's.  It was apparent that the California Negro had a growing number of friends in the white population, especially in San Francisco and Sacramento. These were found largely in the very young Republican Party. Of equal importance was the growing sturdiness of their own organizations and their determination to act. A German observer noted that wealthy California Negroes had become "especially talented" in stealing slaves to freedom. He added that they "exhibit a great deal of energy and intelligence in saving their brothers."  In 1855 the California Negroes had a general marshaling of their forces through the meeting of the First Colored Convention. It was mainly concerned with the right of testimony in civil and criminal cases where white men were also involved. That the denial of this right was a tragic handicap soon became apparent through the fugitive slave experience. But as this issue gradually declined in importance, the problem of protection of life and property rose. The need for testimony rights was a clear requirement for manhood as well as for livelihood. The Negro whose wife or daughter was raped by a white man, without white witnesses, had no recourse to justice. The Negro who was robbed in open daylight in his shop was also defenseless if no white witness would agree to testify in his behalf. There is also scattered evidence that Negro farmers in California were ejected from lands they had cultivated because they could not testify to their ownership. At the heart of this testimony issue was the California Negro's modest prosperity and ability to accumulate material goods in spite of handicaps. At this first convention one of the delegates announced that the property of the California Negro population was worth over three and one-half million dollars. In all societies propertied classes have insisted on legal and political protection commensurate with their wealth.  The struggle for the right of testimony began several years before this statewide convention. It had its beginnings in a number of incidents in San Francisco. A Negro barber had been murdered by a white man who was never brought to justice because only Negro testimony was available. One of the most capable Negro leaders, Mifflin Wistar Gibbs, was humiliated when a white man came into the boot and shoe shop that Gibbs was a partner in and, in a series of shabby maneuvers, virtually stole an expensive pair of boots while beating Peter Lester, Gibbs' partner. These, plus other factors, brought about the organization of the Franchise League in 1852 which was primarily a San Francisco organization.  The first effort of the league was a petition campaign to change the law in regard to Negro testimony. It was directed at the state legislature and it gathered names from whites as well as Negroes. The assembly received this petition in March, 1852, in the most insulting fashion. Assemblyman Cannay from Placer County presented the petition for Assemblyman Ellis from San Francisco in his absence. There were those in the assembly who shouted that it should not even be read. Assemblyman Hinchman pleaded for politeness in the matter. Assemblyman Crabb, the slave-catcher's friend, said that if Negroes only were associated with this petition it should not even be heard. It was finally heard, and then it was moved that a petition from "such a source" should not be officially received. Hinchman's vote was the only one for receiving the petition.  One year later almost the same scene was repeated. The Franchise League had assembled another round of petitions, and these were presented by Assemblyman Meredith. One member of the assembly proposed that the petition be thrown out of the window. Patrick Cannay, who was chairman this time, ruled him out of order and was sustained. He needed to be sustained several times during that session when he had to rule out of order one insulting frivolity after another. Motions to reject and not to file the petition were passed almost unanimously. In referring to the behavior of the assembly, the San Francisco *Daily Alta* wrote, "Our doughty Assembly may possibly have laid them selves liable to the severest censure by the remarkable course pursued in this matter!"  Despite these depressing prospects, the Franchise League proceeded to organize the first statewide Negro convention for the following year, 1855. Perhaps the league drew its hope from looking to New England. While five northern states did prohibit Negro testimony in cases where white men were involved, none of them was in New England. It may also have drawn strength from the activities of its colored convention compatriots in the East with whom its members were in correspondence. Many of these members had had organizational experience in the Eastern Negro rights movements.  The work of this convention produced even more petitions during the following months. More whites expressed their wish for justice to the Negro. In 1856 petitions were presented to the state legislature from San Francisco, Sacramento, and El Dorado counties to change the testimony laws. Support for such a change even came from the San Francisco County Grand Jury. All petitions were referred to the Judiciary Committee where they died. The judicial Committee was evidently not impressed with the fact that nearly three hundred lawyers had also given support to this legal reform proposal.  The convention movement was not disheartened however. It prepared for another round and another convention in 1856. The year had seen more white friends enter the struggle. In fact, a great deal of its approach involved an appeal to the self-interest of white men: there were times when white men needed Negro testimony. A United States Circuit Court in San Francisco could not prosecute a seaman for killing a mate on the high seas because the only witness was a Negro.  As one colored convention delegate put it:  I may see the assassin plunge the dagger to the vitals of my neighbor .... I may overhear the robber of incendiary plotting the injury or utter ruin of my fellow-citizen.... The robbery may follow, the conflagration may do its work, and the author of the evil may go unpunished because only a colored man saw the act or heard the plot. Under these circumstances who are not really injured and lose by the law? ... is it not evident that the white citizen is an equal sufferer with us? When will the people of this state learn that justice to the colored man is justice to themselves?"  The 1856 Colored Convention was to be the biggest of the three before the Civil War. Sixty-one delegates came from seventeen counties. There were men of great ability, talent, and education at this gathering. The topic of education loomed up as a competitor to the issue of testimony. The California Negro community was sufficiently stabilized to be concerned about the education of its children. The white school systems in the state showed virtually no interest in Negro children at this time. These children obtained their basic education through the work of the churches and especially the efforts of one man, Jeremiah B. Sanderson, a Bedford, Massachusetts, Negro who was in effect the scribe for all the Colored conventions. With evidence of regret, however, the 1856 convention kept itself mainly to the single issue of testimony.  The resulting petition campaign rolled up another wave of strong white support. Petitions were presented to the assembly the following year from seven counties: San Francisco, Sacramento, and five mountain counties. San Francisco alone presented a petition with five-hundred signatures. But in the assembly nothing happened.  While the testimony law had to wait until the Civil War before it was reformed, some judges in San Francisco were beginning to receive Negro testimony despite the state law. In an assault case in 1858 the defendant's lawyer tried to set aside an indictment because the injured party was a Negro and his testimony was thereby rendered invalid. The judge in the case so interpreted existing law as to accept the Negro's testimony. He claimed in his decision that he was in accordance with "the common-law, and with the principles of justice and humanity." The jury sustained the judge. As a result of this case a police court shortly afterwards ruled in favor of a Negro woman in an assault and battery case. A few weeks later an old Negro woman was able to obtain justice against a white man who had beaten her."  The Third Colored Convention that met in 1857 was a bit smaller than the previous one, and must have taken place in an atmosphere of depression. The Dred Scott decision had been handed down that year, and in the California assembly there was talk of anti-Negro immigration legislation. The Dred Scott decision had produced additional problems for Negro farmers. As a result of this decision the United States Land Office denied pre-emption rights to Negroes. This convention was, in addition, distracted by internal problems. Forgetting to heed the requirement that minority groups must be perfect in all things, members of the convention movement permitted themselves the luxury, granted only to Caucasians, of jealousies and pettiness. They were never to be quite free of this difficulty.  The subsequent months saw another petition campaign. In spite of technical difficulties in assembling the petitions from some of the far-flung counties and the inadequate funds sent from those areas, a respectable showing was made. San Francisco and Sacramento counties came through very well as usual. Eighteen-hundred signatures were sent to the assembly from San Francisco alone. A San Francisco newspaper noted that "the number of petitions favoring the repeal of the statute disqualifying Negroes and Mulattos from giving evidence . . . causes them (the assemblymen) no little uneasiness." The petitions were again buried in committee.  Some unfriendly assemblymen could find new excuses to be antagonistic to the Negro in 1858. This was the year of the famous Archy fugitive slave case.  While the fugitive slave problem was virtually nonexistent in California by 1858, the Archy case occurred because of the dull-wittedness of his owner in bringing him to California. It took on spectacular dimensions because of the supreme court's decision that legally Archy deserved his freedom. But out of kindness to his master, the court also decided he must return to slavery. The press all over the state roared in ridicule, and the Negro community, especially in San Francisco, was thoroughly aroused. The minute details of the Archy case make for another story. Suffice it to say, that the aggressive concern and involvement of San Francisco Negroes offended the tender sensibilities of some of the assemblymen. It is not clear whether the militancy of Bay Area Negroes had much to do with the rejection by the assembly of the testimony petitions, but it did have some bearing on a legislative attempt to register all free Negroes in California and bar future colored immigration into the state. Referring to the Archy excitement in San Francisco, State Senator Merritt in support of anti-free Negro immigration legislation stated that "he becomes insolent and defiant, and, if in sufficient numbers, would become dangerous, as evidenced by recent occurrences in one of our cities."  This was not the first effort to prevent Negro immigration to California. An attempt that died had been made at the constitutional convention. Assemblyman Crabb, who incidentally in the year of Archy's freedom was on his way to meet his own fate in Sonora, announced in 1857 that he would introduce a bill to prevent future Negro immigration into California. It was not until 1857 that such a bill almost became a law. By a thirty to thirty-two vote the bill was defeated in the assembly.  The year 1858 was a painfully dramatic one for California Negroes. There was to be another more serious attempt to prevent Negro immigration and to label the Negro a proscribed class. Many were to despair of legal relief and to begin to think of leaving the country. The only bright spot in that year was the astonishing victory of Archy at the hands of a federal official who was a Southerner!  The 1858 attempt to bar Negro immigration moved along more successfully than previous efforts. While feelings about the Archy case were discernible, there may have been other factors as well at play. The latter half of the 1850's in California was a period of some economic distress, and the cities and towns had increasing numbers of former miners seeking work. An antagonistic sentiment was rising against Chinese and Negroes. At almost the same time that the anti-Negro Immigration bill was running its course through the legislature, an Anti-Chinese bill of the same kind was on its way.  The anti-Negro immigration bill was introduced in the assembly in March of 1858. Its provisions were harsh on Negroes who were in violation of the bill as well as white men who unwittingly hired Negroes who were subject to its exclusion provisions. The unwillingness of the assemblymen to modify the penalties on white employers of Negroes in violation of this act lends strength to the view that the legislators had the general problem of employment on their minds. Efforts to penalize a slave-owner who brought a Negro into the state after the effective date of the law were, however, defeated. The assemblymen were in no mood for moderation whenever this bill was up for discussion. A partial explanation for this impatience may be that this bill seemed to come to the floor repeatedly in the late afternoons or in the evening and that this session was in its last days. The bill was finally passed overwhelmingly in the assembly and sent to the senate.  Uneasiness about this bill was more evident in this body. An attempt to postpone consideration indefinitely was defeated nine to seventeen. State Senator Bell attempted to introduce safeguards for California Negroes temporarily out of the state or members of their immediate families on their way to California. He won a temporary delay on this point, but the Judiciary Committee by a three to two vote rejected his suggestion. Maneuvering came to an end with the passage of the bill twenty-one to eight. But the maneuvering bore fruit. The senate included some minor revisions that required the bill's return to the assembly for approval. The very impatient and partially drunk assembly had, however, in the meantime adjourned. The bill therefore died.  Had this bill passed, at least two very influential newspapers, the Sacramento *Daily Union* and the San Francisco *Daily Evening Bulletin,* thought that it would be unenforceable. As it worked its way through the legislature, these newspapers reported the proceedings with undisguised distaste. In their view it was unnecessarily harsh to the Negro. *The Daily Evening Bulletin* defended the California Negroes by making a case for them–with some logic–as the best of the free Negro group in the United States. It saw some merit in preventing future immigration of Negroes but pleaded for more kindness in treating the resident population. At least one outstanding leader of the San Francisco Negro community took a thanks-but-no- thanks view of this kind of support. Mifflin Wistar Gibbs wrote to the *Evening Bulletin* defending free Negroes everywhere in the United States. He said, in part:  I appeal with pride to the history of the free colored people for the last twenty years in every free state in the Union .... During all that time, notwithstanding they have been subjected to the most unjust enactments and coerced by rigorous laws, pursued by a prejudice as unrelenting as inhuman, disregarded by the Church, and persecuted by the State–they have made steady progress, upward and onward, in oral and intellectual attainments.  I admit the right of a family or a nation to say who, from without, shall be a component part of its household or community; but the application of this principle should work no hardship to a colored man, for he was born in the great American family, and is your black brother–ugly though he may be–and is interested in its weal or woe, is taxed to support it, and having made up his mind to stay with the family, his right to the benefit of just government is as good as that of his pale face brother who clamors for his expatriation.  Even as Gibbs wrote this ringing statement he must have been having doubts about remaining in the country of his birth. His letter appeared in the first week of April, 1858, and in the days that followed Negroes in San Francisco were conducting indignation meetings and talking about going to Canada. The anti-immigration bill seemed certain of passage, and there was excitement to the north due to the Frazier River Gold Rush.  Accident in history played its part. Due to the Frazier River fever, the British officials in Victoria found it necessary to expand governmental functions. This required a building program that called for a large group of laborers. The gold rush had created a severe labor shortage in Victoria. British sea captains who knew about California and San Francisco events were in touch with Victoria officials and things began to happen. At one of the April Negro mass meetings in San Francisco the audience was informed that they would be welcome in Victoria and that there was employment and land.  The result was an exodus of several hundred California Negroes led by a number of leaders of the convention movement, including the author of the previous statement, Mifflin Wistar Gibbs. The convention movement lost another leader in Peter Lester who was Gibbs' business partner. He is the same man who was beaten while they were being robbed and could get no justice because of the testimony laws. Lester had his own special grief during the weeks before he decided to join his partner in the Victoria migration. His daughter, who was apparently very light-skinned, was accepted into an all-white public school after examination by the board of education in San Francisco. This was found offensive to some school officials, and an agonizing debate resulted. The board resolved its problem at the expense of Peter Lester's daughter. This was too much for the Lester family, and they headed for Victoria. There were other parents with daughters like Lester's who had also applied to the white schools. Some of them too must have joined the Victoria exodus. Most of the group settled in Victoria, but some went to the gold fields of British Columbia. For many this was a vast improvement in their situation. The Negro community of Victoria might have been much larger today if it had not been for the developments of the Civil War just a few years later. Like most of the American Negroes who fled to Canada in the 1840's and 1850's, the Victoria Negro community returned in great numbers to their native land. Gibbs, who became an elective official in Victoria, returned to the United States and received recognition for his abilities in the postwar period. Among his official positions was the post of municipal judge of Little Rock, Arkansas.  With the departure of the contingent to Victoria in 1858, the convention movement seemed to fall into spiritual and organizational doldrums. There was no convention that year, and frustration produced accentuated internal bickering. Defeat was in the air notwithstanding that the anti-immigration legislation never became law. An effort at independent Negro journalism had just expired in spite of great sacrifices by its editor. In November, 1858, the executive committee of the convention movement issued a report in which it announced that after much thought it had decided not to call for another testimony petition until there was a change of political administration in California. This, of course, could only mean that the Negro felt that his fortunes lay with an eventual Republican victory. It is interesting to note that in this mood of depression Negro leadership turned faintly to recourses suggested more forcefully nearly forty years later when the American Negro was experiencing the bitter fruits of home rule in the South. Foreshadowing Booker T. Washington, the executive committee report advised that  Pecuniary prominence, in a country so diversified as this, takes precedence over intellectual, and it should be our highest aim to seek the end we have marked out, through that mode which has formed a superiority....  But the report does not call for surrender. It agrees to conduct another petition campaign if the California Negro community responds with sufficient vigor and funds. This does not seem to have been the case before 1860.  The fortunes of the California Negro began to rise with the opening of the next decade. The cause of the convention movement was assisted tremendously by national developments as well as human factors. 1860 saw the arrival in California of the Reverend Thomas Starr King, who gave Negro causes as well as other causes a great deal of support. In the same year one of the major figures in Negro journalism came to California, and a Negro press was soon born again on the West Coast: Peter Bell had been associated with the Negro press in the East since its beginnings in the 1830's and was a very sophisticated and worldly journalist.  Bell was a fine addition to the leadership group in the California convention movement. While the exodus to Victoria had resulted in the loss of Gibbs and Lester, the leadership of the 1850's had at all times contained an unusual group of men. Gibbs had worked with Frederick Douglass in the antislavery movement in the East. William H. Yates, who was the president of the first California Colored Convention and was associated with all the subsequent conventions, bought his own freedom in Washington, D.C., as a young man. Becoming a porter in the United States Supreme Court, he experienced an unusual intellectual exposure.  When he moved to New York, he became a Mason and was an active anticolonizationist. He came to California in 1851 and became an employee of the California Steamship Navigation Company. As a chief steward he plied the waters of San Francisco Bay and was undoubtedly able to function as a unifying agent in the convention movement."  William H. Hall, who was president of the Second Colored Convention, had an equally interesting career before coming to California. In Washington, D.C., he was the fund raiser for a monument for Benjamin Banneker. In New York he too became a Mason and was active in that state in the campaign for Negro suffrage in the 1840's. Abner Francis was a correspondent of Fredrick Douglass as were others in the convention movement. William Newby had also been a western contributor to Frederick Douglass' paper. He was one of the founders of the first California Negro paper, *The Mirror of the Times.* His ability was recognized by the French government, and he was asked in 1858 to be the private secretary to the French Consul General in Haiti. New Bedford-born Jeremiah B. Sanderson was on the same platform with Frederick Douglass when the latter was discovered by William Lloyd Garrison. Most, if not all, of the printed proceedings of the California Colored Conventions are in his handwriting. William Wells Brown's *The Black Man* published during the Civil War, which was a review of distinguished Negroes in America included Sanderson as the only Western Negro. Sanderson had worked with Douglass as well as with the Eastern Negro leaders, Brown and William C. Nell. His great competence made him the foremost Negro teacher in California. He was the most indefatigable worker in organizing schools for Negro children and gained begrudging financial support from boards of education.  Most of these men were born free or had achieved freedom at an early age back East. There were many who were active in the California convention movement who did not attain the prominence of the aforementioned but were of its flesh and bone. A most interesting group are those whose early years in California were absorbed with the back-breaking business of buying themselves and their families out of slavery in the East and paying for their passage to California. They should also be remembered.  In 1863 the State Legislature of California revised the testimony laws, and the Negro was, at last, relieved of this disability. The previous year had seen the defeat of many opponents of Negro testimony, and the assemblymen who tried to reform the law in 1862 were now successful. By the time of the Fourth Colored Convention in 1865, Negro leadership was turning itself to the problems of education and suffrage.  When victory had at last been gained in the matter of testimony, Peter Bell, now the editor of the Negro paper, *The Pacific Appeal,* wrote:  we should be more guarded than ever against committing any acts that might be construed by the enemies of our advancement, as a consequence of the repeal of those unjust laws.... We should be patient and conciliating....  And then he added with a remarkable quality of objectivity:  we must not always suppose that every offense that may be committed against us is altogether in consequence of our color.  Early in 1864, editor Bell felt optimistic and wrote:  A new era has already dawned and it is with yourselves to decide as to whether you or your children shall be made capable of assuming the responsible positions which already await you. The Federal Government and the good and intelligent among the American people, are endeavoring to help you.  Peter Bell had no way of knowing in 1864 that many generations of white Americans were yet to come who would try to freeze the Negro in his subordinate position in American life by telling him that he was trying to move too fast. |